

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
(fictitious party) )  
Plaintiff, )

v. ) Case No. 10-00131-01-CR-W-FJG

DENNY RAY HARDIN, )  
(real party of interest) )  
Defendant. )

JUDICIAL NOTICE  
NOTICE THAT

I, Denny-Ray Hardin of majority age and sound mind competent to state the matter set forth herein, do affirm that the foregoing is true, correct and complete, not misleading, with first hand knowledge of the facts herewith. I do hereby exercise my Rights as an American National Free State Citizen, to Rescind, to Cancel, to Render Null Void, "NUN Pro tune", both currently and retroactively to the time of signing or contracting verbally, based upon the constructive fraud and mis-representation perpetuated upon me by the federal government. I am proceeding Sui Juris at law, with special assistance, pursuant to Declaration in compliance with Title 28 u.s.c, 1746 (i) "WITHOUT THE UNITED STATES" under penalty of perjury, sworn to within the United States of America.

ALL COURTS ARE OPERATING UNDER,

- 1) TRADING WITH THE ENEMY ACT AS CODIFIED IN TITLE 50 u.s.c.,
- 2) TITLE 28 u.s.c, CHAPTER 176, FEDERAL DEBT COLLECTION PROCEDURE AND
- 3) FED. R. CIV. P. 4(C) UNDER TITLE 28 u.s.c. 1608, making the COURTS "FOREIGN STATES" TO THE PEOPLE BY CONGRESSIONAL MANDATE.

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IT IS THE DUTY OF THE COURT TO DECLARE THE MEANING OF WHAT IS WRITTEN, AND NOT WHAT WAS INTENDED TO BE WRITTEN. J.W. Seavey Hop Corp. v. Pollock, 20 Wn 2d 337, 348-349, 147 P. 2d 310 (1944), cited with approval in Berg v. Hudesman, 115 Wn 2d 669.

COMES NOW, Defendant, Denny-Ray Hardin the living breathing flesh and blood Sovereign man, giving JUDICIAL NOTICE, that the Plaintiff/Court lacks jurisdiction to hear, convict or bring any case against the Defendant, under Federal Rules of Civil Procedure 4(j), 12(b)(1), (2), (3), (4), (5) & (6) as well as the 4<sup>th</sup>, 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 14<sup>th</sup> Amendments of the Constitution, whereby Defendant is not subject to a Foreign State. If any tribunal (Court) finds absence of proof of jurisdiction over a sovereign and subject matter, the case must be dismissed. Louisville v. Motley 211 U.S. 149, 29 S. Ct. 42. That I by Freehold Inheritance, retain all substantive Rights and Immunities; enjoy the exercising of substantive Rights; Reservation of the Rights of the People; Truth A-1 Classified;

There are three different and distinct forms of the "United States" as revealed by the case law: "The high Court confirmed that the term "United States" can and does mean three completely different things, depending on the context." Hoover & Allison Co. vs. Evatt, 324 U.S. 652 (1945) & United States v. Cruikshank 92 U.S. 542 (1876) & United States v. Bevans 16 U.S. 3 Wheat. 336.

The Court and its officers have failed to state which United States they represent, since they can represent only one and it is under Federal Debt Collection Procedures, as a corporation the United States has no jurisdiction over the Defendant. As an American National and as a Belligerent Claimant, Defendant hereby asserts the rights of immunity inherent in the 11<sup>th</sup> Amendment "The judicial power SHALL not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens of any Foreign State." This Court, by definition is a FOREIGN STATE, and misusing the name of this Sovereign American by placing

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Defendant's name in all capital letters as well as by using Defendant's last name to construe Defendant erroneously as a "person" which is a "term of art" meaning: a creature of law, an artificial being and a CORPORATION of Ens Legis;

"Ens Legis, L. Lat. A creature of the law; an artificial being, as contrasted with a natural person. Applied to CORPORATIONS, considered as deriving their existence entirely from the law." Black's Law Dictionary, 4th Edition, 1951.

It is an undisputed, conclusive presumption that the above mentioned "real party ~~of~~ interest" is NOT a CORPORATION, and further is not registered with any Secretary of State as a CORPORATION. Pursuant to Rule 12(b)(6), the prosecuting attorney of the alleged said case then and now has failed to state a claim for which relief can be granted to the Plaintiff. This is a FATAL DEFECT, and therefore, the instant case and all related matters must be DISMISSED WITH PREJUDICE for lack of personum, territorial and subject matter jurisdiction, as well as improper venue, as well as pursuant to the 11<sup>th</sup> Amendment Foreign State Immunity. Jurisdiction determines which type of court has authority to hear a case. A court has no jurisdiction to render a judgement in any case unless it has jurisdiction over the person or property involved. The Trading with the Enemy Act (TWEA) suspended the United States Constitution in the courtroom, and therefore, the standard American Flag ~~for dealing~~ in the courtroom was replaced with a Military Admiralty Flag for dealing with alien enemy resident. The people never rescinded their nationality to the real United States of America. Since I do not own any property at sea it makes this court an improper venue due to the Military Admiralty Flag representing this court.

## OATH OF OFFICE MAKES PUBLIC OFFICIALS FOREIGN

1) Those holding Federal or State public office, county or municipal office, under legislative, Executive or Judicial branch, including court officials, Judges, prosecutors, Law Enforcement Department employees, officers of the court, and etc., before

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entering into these public offices, are required by the United States Constitution and statutory law to comply with Title 5 usc. sec. 3331 "Oath of Office". State officials are also required to meet this same obligation, according to the State Constitutions and state statutory law.

2) All oaths of office come under 22 CFR, Foreign Relations Sec. 92.1292.30, and all who hold public office come under Title 8 usc 1481 "Loss of nationality by native-born or naturalized citizens; voluntary action; burden of proof; presumptions.

3) Under Title 22 usc, Foreign Relations and Intercourse, Sec. 611, a Public Official is considered a Foreign Agent. In order to hold public office, the candidate must file a true and correct registration statement with the State Attorney General as a Foreign Principal.

4) The Oath of Office requires the public official in his/her Foreign State Capacity to uphold the Constitutional form of government or face consequences.

Also see 22 usc 611 FOREIGN RELATIONS AND INTERCOURSE; and 22 USC 612, REGISTRATION STATEMENT, Concerning the absolute requirement of registration with the Attorney General as a "Foreign Principal", due to the undisputed status of the Court and its alleged officers and employees as "FOREIGN AGENTS", described supra. This requirement SHALL be deemed to include but, limited to, an affidavit of non-communist association.  
is not

#### DECLARATION OF STATUS AND RIGHT OF AVOIDANCE

The above-mentioned "real part of interest" hereby declares the status of a "Foreign State" as defined in 28 usc 1331 (b)(1), as a "seperate legal person, corporation or otherwise," (in the instant case "Otherwise") (b)(2) "an organ (a vital part) of a Foreign State" and (b)(3), neither a citizen of a state of the United States as defined in sec. 1332 (c): (a corporation, an insurer, or the legal representative of a decedent, an infant or an incompetent), "nor created under



the laws of any third country". Furthermore, the above mentioned "real party of interest" is not an artificial corporate "person" as defined and created by PUBLIC STATUTES, and is not juristic person which may be "affected" by PUBLIC STATUTES: But is invested with and bares the status, condition and character of "a sovereign without subjects". The above-mentioned "real party of interest" is always and at all times present in his "assylum home state", which is the common cases of the place of birth, "domicilium originis", also referred to as Natural Domicile, which is "the same as domicile of origin or domicile by birth", (see Johnson v. Twenty-one Bales, 13 Fed. Cas. 863; Black's Law Dictionary 4th Edition) which is the source and the seat of his sovereignty and immunity. Accordingly the above-mentioned "real party of interest" exercises his Right of Avoidance and hereby rejects the offered commercial venture and declines to fuse with or to animate the above-mentioned Defendant in Error, or to stand as "STRAWMAN (PERSON)", which is defined in Barron's Law Dictionary, 4th Edition (1996), as a "term" referred to in commercial and property context when a transfer is made to a third party, the strawman (person), simply for the purpose of retransferring to the transferee in order to accomplish some purpose not otherwise permitted, "i.e. obtaining jurisdiction over the above-mentioned "real party of interest" or relying upon the rebuttable presumption that the above-mentioned "real party of interest" is a corporation. The definition also contains the admonition to "see dummy", which, at that entry is therein defined as "a strawman; a sham". The above-mentioned "real party of interest" is NOT a strawman, NOT a sham, and certainly is NOT a dummy. This DECLARATION OF STATUS constitutes a conclusive presumption, of which the Court is bound to take NOTICE, that the "real party of interest" is NOT a corporation; and the Court can exercise no jurisdiction whatsoever over the "real party of interest" or the above-mentioned case, but is duty-bound according to the due process of the law, to which the above-mentioned "real party of interest" is a belligerent claimant, and by the Rule of Law to DISMISS.

## AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868

An Act to amend the act passed March 23, 1867, entitled An Act Supplementary to an act to provide, for the more efficient government of the rebel States, passed March 2, 1867, and to facilitate their restoration. SUPPLEMENTARY RECONSTRUCTION ACT FORTIETH CONGRESS. An Act supplementary to an act entitled "An act to provide for the more efficient government of the rebel state", passed March second, eighteen hundred and sixty-seven, and to facilitate restoration." This act created the 14<sup>th</sup> Amendment federal citizen under this section 3 of the Federal Constitution. All who hold Public Office fall under this section as "UNITED STATES CITIZENS". Those who hold office have knowingly and willingly given up their citizenship to this country under Title 8 sec. 1481 to become a Foreign State Agent under 22 usc. The Oath of Office to the Constitution requires office holders to uphold and maintain our Constitutional form of government under the people's authority. This right was never surrendered by the people; failure to do so violates 10 usc 333 and 18 usc 1918, Chapter 115, 2382, 2383, 1505, 1001, 241, 242, 42 USC 1981 and 31 usc 3729 just to name a few. The Federal Debt Collection Procedures places all courts under equity and commerce and under the International Monetary Fund. The International Monetary Fund comes under the Uniform Commercial Codes under banking and business interest and trust laws. This makes the Court/Judges trustee over the trust, and responsible whether or not the Defendant understands the trust issue. The 1933 Bankruptcy Act placed all public officials in a fiduciary position to write off the Public debt, since this Nation is not solvent. The Trading with the Enemy Act (TWEA) suspended the United States Constitution in the courtroom and therefore, the standard American Flag in the courtroom was replaced with a Military Admiralty Flag for dealing with alien enemy residents. The people never rescinded their nationality to the real United States of America. Those who hold public office rescinded their nationality to become a Foreign Agent in order to hold public office. International law requires the judge to uphold the people's Constitutional form of government as defined in the "Federalist Papers". Federal Rules

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of Civil Procedure / Rules of Civil Procedure Rule 2 only allows Civil Action and under Rule 17, a "real party of interest" has to be present in the Courtroom in order for there to be any claims of injury or damages against "the people". Any charges under the "UNITED STATES" or "STATE OF MISSOURI", falls under the Trading with the Enemy Act (TWEA) Section 23. The people are not subject to this jurisdiction as it is a Foreign State Jurisdiction. The people hold 11<sup>th</sup> Amendment immunity to claims in equity and commerce from a Foreign State. The Court lacks jurisdiction over the Defendant by Congressional Mandate. For the afore stated reasons, the Plaintiff/Court lacks jurisdiction under Rule 4(j) & 12(b)(1), (2), (3), (4), (5), & (6) over this Defendant.

"The law provides that once State and Federal jurisdiction has been challenged, it must be proven." *Main v. Thiboutot*, 100 S. Ct. 2502 (1980)

"No sanctions can be imposed absent proof of jurisdiction." *Standard v. Olsen*, 74 S. Ct. 768; Title 5 usc. sec. 556 and 558.

## TABLE OF DEFINITIONS

**FOREIGN COURTS:** The Courts of a Foreign State or Nation. In the United States, this term is frequently applied to the Courts of one of the States when their judgment or records are introduced in the court of another.

**FOREIGN JURISDICTION:** Any Jurisdiction Foreign to that of forum; e.g., a sister State or another country. Also, the exercise by a State or Nation Jurisdiction beyond its own territory. Long-arm service of process is a form of such Foreign or extraterritorial jurisdiction

**FOREIGN LAWS:** The Laws of a Foreign Country or of a Sister State. In conflicts of laws the legal principles of jurisprudence which are part of the law of a sister State Nation. Foreign laws are additions to our own laws, and in that respect are called "jus receptum".

**FOREIGN CORPORATION:** A Corporation doing business in one State though chartered or incorporated in another State is a FOREIGN CORPORATION as to the first State, and as such, is required to consent to certain conditions and restrictions in order to do business in such first State. Under Federal tax laws of one of the States or Territories of the United States, I.R.C. 7701 (a)(5). Service of process Foreign Corporation is governed by the Fed. R. CIV. P. 4 see also Corporation.

**FOREIGN SERVICE OF PROCESS:** Service of process for the acquisition of jurisdiction by a court in the United States upon a person in a Foreign Country is prescribed by Fed. R. CIV. P. 4 (i) and 28 U.S.C.A. 1608. Service of process on Foreign Corporation is governed by Fed. R. CIV. P. 4(d)(3).

**FOREIGN STATES:** Nations which are outside the United States. Term may also refer to another State, i.e. a sister State.

**FOREIGN IMMUNITY:** With respect to jurisdictional immunity of Foreign State, see 28 usc sec 1602 et seq. Title 8 usc, chapter 12, Subchapter 1, sec. 1101 (14). The term "Foreign State" includes outlying possessions of a Foreign State, but self-governing dominions or territories under mandates or trusteeship shall be regarded as separate Foreign States.

**PERSON:** In general usage, a human being (i.e. natural person) though by statute the term may include a firm, labor organizations, partnerships, associations, corporations, legal representatives, trust, trustees in bankruptcy, or receivers. National Labor Relations Act 2(1).

Definition of the term "person" under Title 26, Subtitle F, Chapter 75, subchapter D, sec. 7343, the term "person" as used in this chapter includes an officer or employee of a Corporation, of a member or employee of a partnership, who as such officer, employee or member is under duty to perform the act in respect of which the violation occurs.

A corporation is a "person" within the meaning of equal protection and due process provisions of the United States Constitution.



At this time Defendant now invokes *Trezvant v. City of Tampa* for the Unlawful arrest and detainment as long as it exists in the amount of 10 million dollars for the sanctions already imposed.

Where a Court power to act is controlled by statute, the Court is governed by the rules of limited jurisdiction, and Court exercising jurisdiction over such matters must proceed within the structures of the statutes. *In re Marriage of Milliken* 199 Ill. App. 3d 813, 557 N.E. 2d 591 (1st Dist. 1990).

### SUPREME COURT RULING ON CORPORATE PERSON SANTA CLARA COUNTY V. SOUTHERN PAC. R. CO, 188 U.S. 394

A legal person, also called juridical or juristic person [1] is a legal entity through which the law allows a group of natural persons to act as if they were a single composite individual for certain purposes, or in some jurisdiction, for a single person to have a separate legal personality other than their own [2] [3]. This legal fiction does not mean these entities are human beings, but rather means that the laws allow them to act as persons for a certain limited purposes. *New York Central R. Co. v. United States*, 212 U.S. 481 (1909), *United States v. Dotterweich* 320 U.S. 277 (1943)

WHEREAS, the facts and laws contained herein are before this Court; WHEREAS, the facts and the laws contained herein are the Truth; and WHEREAS, we hold said Truths to be self-evident; and WHEREAS, self-evident Truths are undisputed and incontrovertible, no oral argument is requested, for words can not alter or overcome the TRUTHS; and WHEREAS, TRUTH is Sovereign: she comes from GOD and bares His message, from whatever quarter His great eyes may look down upon you; Psalms 117:2 For His merciful Kindness is great toward us: and the truth of the Lord endureth, forever. Praise ye the Lord. John 8:32 and ye shall know truth and the truth shall make you free; second Corinthians 13:8 For we can do nothing against the truth but for the truth; THEREFORE: this Court must perform its duty under

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the Rule of Law, do justice Rectum Rogare, and DISMISS WITH PREJUDICE the above captioned case without delay for "Justice delayed is Justice denied". Rectum Rogare - "to do right: to petition the Judge to do Right." Black's Law Dictionary 4th Edition

NEMO EST SUPRA LEGIS.: Nobody is above the Law.

Denny-Ray: Hardin sui juris  
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Formally UCC1-207

## PROOF OF SERVICE

I, Denny-Ray: Hardin, the Defendant comes with this JUDICIAL NOTICE TO THE ADMINISTRATIVE COURT, ALL COURTS ARE OPERATING UNDER THE (1) "TRADING WITH THE ENEMY ACT" AND (2) TITLE 28 USC CHAPTER 176 "FEDERAL COLLECTION PROCEDURE", MAKING THE COURTS "FOREIGN STATES" TO THE PEOPLE BY CONGRESSIONAL MANDATE, being mailed postage pre paid to Chief Judge Fernando J. Gaitan of the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI (WESTERN DIVISION) on this 22<sup>nd</sup> day of September in the year of our Lord 2010 A.D.. Service will be delivered by the United States Postal Service.

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